

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region 1

1 Congress Street, Suite 1100
BOSTON, MA 02114-2023***FACSIMILE TRANSMISSION*****RESTRICTED INFORMATION**

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To: Eurika Durr, Clerk of the Board**Fax: (202) 233-0121****From: Joshua Caditz, Assistant Regional Counsel
US EPA Region 1****Date: September 28, 2007****Number of pages including cover: 6**

Return Fax: 617-918-0097



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

ENVIR. APPEALS BOARD

2007 SEP 28 AM 9:41

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BY FACSIMILE

September 28, 2007

Eurika Durr, Clerk of the Board,
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: Town of Northbridge Wastewater Treatment Plant
Appeal No. NPDES 06-11

Dear Ms. Durr:

Enclosed please find a facsimile of the following Report in the above-captioned matter, as well as a certificate of service. I am also mailing you the original Report and submitting an electronic copy.

Please contact Ann Williams at 617-918-1097, or by fax at 617-918-0097 or by electronic mail at Williams.Ann@epa.gov, if you need to discuss this filing.

Sincerely,



Joshua Caditz
Assistant Regional Counsel

cc: Mr. Jeffrey T. Blake, Esq., Kopelman and Paige

RECEIVED
U.S. E.P.A.**BEFORE THE ENVIRONMENTAL APPEALS BOARD**
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.707 SEP 28 AM 9:11
ENVIR. APPEALS BOARD**In re:****Town of Northbridge Wastewater
Treatment Plant****NPDES Permit MA0100722****Appeal No. NPDES 06-11****STATUS REPORT**

The United States Environmental Protection Agency, New England Region ("Region"), with the consent of counsel for the Town of Northbridge ("Town"), respectfully submits this Status Report to the Environmental Appeals Board ("Board") with respect to the above-captioned matter.

On September 13, 2006, the Region reissued NPDES Permit No. MA0100722 ("Permit") to the Town, authorizing wastewater discharges from the Northbridge Wastewater Treatment Plant into an unnamed tributary to the Blackstone River and establishing effluent limitations, monitoring requirements, and other conditions for such discharges. On October 16, 2006, the Town filed a petition for review by the Board contesting the Permit's phosphorus limit of 0.2 mg/l from April 1 – October 31, the phosphorus limit of 1.0 mg/l from November 1 – March 31, and the fecal coliform limits for the period of November 1 – March 31. The Board received the petition on October 16, 2006, and directed the Region to respond to the petition no later than December 4, 2006.

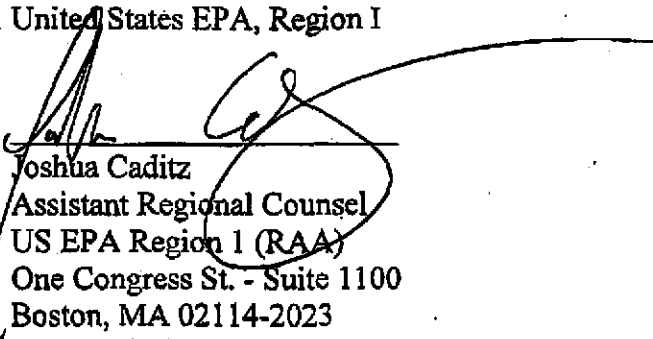
On November 29, 2006, the Board granted a stay of the proceedings until March 6, 2007, to enable the parties to negotiate a settlement of the issues raised in the petition for review. The Board also directed the parties to submit, by January 10, 2007, a Status Report on the progress of settlement discussions. On January 10, 2007, the Region filed a Status Report with the Board. On January 30, 2007, the Town submitted a report to the Region proposing a full-scale testing program to evaluate several alternatives for meeting the phosphorus permit limits. On February 14, 2007, the Region filed a Motion to Extend the Stay of Proceedings in order to evaluate the Town's proposal. On February 15, 2007, the Board granted an extension of the stay of proceedings until May 3, 2007, and directed the parties to submit a Status Report on the progress of settlement discussions no later than April 5, 2007. On April 5, 2007, the Region filed a Status Report with the Board, describing the parties' continued negotiations. On May 2, 2007, the Region requested a continuance of the stay to allow sufficient time for the Town to conduct the phosphorus testing program. On May 3, 2007, the Board granted an extension of the stay until January 15, 2008, and directed the parties to submit a Status Report no later than September 28, 2007.

The Town commenced a field assessment on April 2, 2007, and submitted a progress report in July. The Region is currently awaiting a report documenting the results of the field assessment and the Town's evaluation of whether additional filtration studies are necessary. If additional evaluation is necessary, the parties intend to continue settlement discussions based on the results of any such evaluation in December 2007.

With respect to the contested fecal coliform limits for the period of November 1 – March 31 ("year round disinfection condition"), the Region intends to withdraw and repropose the limits in October 2007.

Respectfully submitted,

United States EPA, Region I



Joshua Caditz
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Dated: September 28, 2007

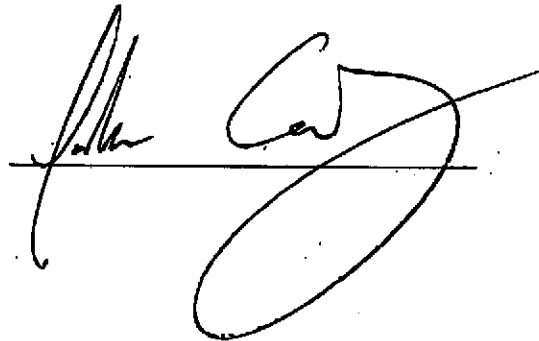
In the Matter of: Town of Northbridge Wastewater Treatment Plant
Appeal No. NPDES 06-11

CERTIFICATE OF SERVICE

I, Joshua Caditz, hereby certify that one original copy of the foregoing Report was mailed by First Class Mail on this 28th day of September, 2007 to the Environmental Appeals Board 1103B, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460-0001, and that a copy of the foregoing was sent by First Class Mail, postage prepaid, to the following person:

Mr. Jeffrey T. Blake, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110

Dated: September 28, 2007

A handwritten signature in black ink, appearing to read "Joshua Caditz", is written over a horizontal line.